

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
TeleScripps Cable Company)	CUID No. KY0107 (Elizabethtown)
)	
Petition for Reconsideration)	

ORDER ON RECONSIDERATION

Adopted: February 22, 2002

Released: February 27, 2002

By the Deputy Chief, Cable Services Bureau:

1. In this Order we consider a petition for reconsideration ("Petition") of our Orders, DA 96-986¹ and DA 96-985² ("Prior Orders"), filed with the Federal Communications Commission ("Commission") on July 19, 1996 by the above-referenced operator ("Operator"). Our Prior Orders resolved complaints against Operator's cable programming services tier ("CPST") rates in effect beginning May 15, 1994 as well as a complaint filed against Operator's February 1, 1996 CPST rate increase. Operator also filed a petition for stay of our Prior Orders. In this Order, we grant Operator's Petition, amend our Prior Orders, and dismiss the petition for stay as moot.

2. Under the Communications Act, the Commission is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable.³ The Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"),⁴ and our rules in effect at the time the complaint was filed, required the Commission to review CPST rates upon the filing of a valid complaint by a subscriber or local franchising authority ("LFA"). The Telecommunications Act of 1996 ("1996 Act"),⁵ and our rules implementing the legislation ("Interim Rules"),⁶ required that a complaint against the CPST rate be filed with the Commission by an LFA that has received more than one subscriber complaint. The filing of a valid complaint triggers an obligation upon the cable operator to file a

¹ In the Matter of TeleScripps Cable Company, DA 96-986, 11 FCC Rcd 6978 (1996).

² In the Matter of TeleScripps Cable Company, DA 96-985, 11 FCC 6975 (1996).

³ 47 U.S.C. §543(c) (1996).

⁴ Pub. L. No. 102-385, 106 Stat. 1460 (1992).

⁵ Pub. L. No. 104-104, 110 Stat. 56 (1996).

⁶ See Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, 11 FCC Rcd 5937 (1996).

justification of its CPST rates.⁷ If the Commission finds the rate to be unreasonable, it shall determine the correct rate and any refund liability.⁸

3. Operators must use the FCC Form 1200 series to justify rates for the period beginning May 15, 1994.⁹ Cable operators may justify quarterly rate increases based on the addition and deletion of channels, changes in certain external costs, and inflation, by filing FCC Form 1210.¹⁰ Operators may justify their rates on an annual basis using FCC Form 1240 to reflect reasonably certain and quantifiable changes in external costs, inflation, and the number of regulated channels that are projected for the twelve months following the rate change.¹¹ Any incurred cost that is not projected may be accrued with interest and added to rates at a later time.¹²

4. In its Petition, Operator argues that the Prior Orders were based on information derived from Operator's FCC Form 1200 and FCC Form 1210s that contained clerical errors. Operator maintains that these clerical errors were subsequently corrected when Operator submitted amended FCC Forms. Operator contends that the Commission received these amended forms before issuing the Prior Orders. Upon review, we find Operator's argument to be compelling and accept Operator's amended forms. Our review of the amended forms reveals that Operator incurred no refund liability for the periods under review.¹³ Therefore, we grant Operator's Petition, amend our Prior Orders to exclude any refund liability and dismiss Operator's petition for stay as moot.

5. Accordingly, IT IS ORDERED, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that Operator's Petition for Reconsideration IS GRANTED TO THE EXTENT INDICATED HEREIN.

6. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that In the Matter of TeleScripps Cable Company, DA 96-986, 11 FCC Rcd 6978 (1996) and In the Matter of TeleScripps Cable Company, DA 96-985, 11 FCC 6975 (1996) ARE AMENDED TO THE EXTENT INDICATED HEREIN.

⁷ See Section 76.956 of the Commission's Rules, 47 C.F.R. §76.956.

⁸ See Section 76.957 of the Commission's Rules, 47 C.F.R. §76.957.

⁹ See Section 76.922 of the Commission's Rules, 47 C.F.R. § 76.922.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ In our review, we allowed Operator full credit for the inflation adjustment factors that Operator was entitled to claim for each period under review. As a result of our analysis, we concluded that Operator's February 1, 1996 CPST rate increase was reasonable.

7. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that Operator's petition for stay IS DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief
Cable Services Bureau